

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ALABAMA
NORTHERN DIVISION

Tiffany Foshee, et al.)	
)	
Plaintiffs,)	
)	
v.)	CIVIL ACTION NO.
)	1:16-cv-01030-VEH
The City of Anniston,)	
)	
Defendant.)	

Joint Status Report

Pursuant to the Court's February 22, 2017 Order in *Hall, et al. v. City of Fort Payne, et al.* 4:15-cv-01656-VEH, *Moore, et al. v. City of Albertville*, 4:16-cv-00914-VEH, and *Foshee v. City of Anniston*, 1:16-cv-01030-VEH, (Docs. 61, 21, 20, respectively), the parties submit this Joint Status Report and request that the Court continue the current stay in these cases until the resolution of the mediation and pending motions in related litigation, which will have an effect on the *Fort Payne, Albertville*, and *Anniston* cases.

On February 22, 2016, this Court held a status conference with the parties, who requested that the Court continue the stay in these cases pending ongoing mediation in *Ray, et al. v. JCS, et al.*, 2:12-cv-02819-RDP. Although the mediation arises out of the *Ray* case, the parties are open to the possibility of a negotiated settlement that resolves all of the claims against all of the Defendants in this series

of litigation. Thus, this mediation could potentially resolve some or all of the claims in the *Fort Payne*, *Albertville*, and *Anniston* lawsuits. The parties are still actively mediating the *Ray* case, and have a live mediation scheduled for May 25, 2017. The parties anticipate follow-up mediation sessions following this week's session.

In addition, there are several motions pending in the related litigation that could have an effect on these cases, all of which are currently set for oral argument on July 13, 2017. First, although the City of Childersburg obtained summary judgment on all of Plaintiffs' claims in *Ray*, Plaintiffs' have filed a "Motion to Reconsider," which is fully briefed and under submission. JCS and CHC / CCS also have Motions for Summary Judgment under submission, and Plaintiffs have two Motions for Partial Summary Judgment under submission.

Similarly, in *Carden v. Town of Harpersville*, 2:15-cv-01381-RDP, the Town filed a motion to dismiss that raises the same legal issues asserted by the Defendant cities in their Motions to Dismiss filed in the *Fort Payne* and *Albertville* cases, and that will likely be raised in the *Anniston* case. This motion is fully briefed and under submission.

Taken together, the uncertainty surrounding the pending mediation indicates that a continued stay of this case is appropriate. A continued stay will mitigate the risk of needlessly wasting time and resources litigating a case that may soon be

resolved through settlement. Accordingly, the Parties jointly request that this Court continue the stay in this case for an additional ninety (90) days.

Respectfully Submitted:

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been served on the following by directing same to his or her office address via United States first class mail, postage prepaid, or by electronically filing the foregoing with the Clerk using the CM/ECF system which will send notification of such filing on May 23, 2017.

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